

REMARKS

Applicants appreciate the Examiner's thorough review of the present application, and respectfully request reconsideration in light of the preceding amendments and the following remarks.

Claims 1-16 are pending in the application. Claims 1-5 remain unchanged notwithstanding the art rejections raised in the Office Action. Claims 6-16 have been added to provide Applicants with the scope of protection to which they are believed entitled. The Abstract has been placed in compliant form. No new matter has been introduced through the foregoing amendments.

The 35 U.S.C. 103(a) rejection of independent claim 1 as being obvious over *JP '705* or *JP '706* in view of *JP '693* or *JP '639* is noted. Basically, the Examiner alleges that the primary references, i.e., *JP '705* and *JP '706*, teach all steps of independent claim 1, except that

- (a) the references fail to teach the introduction of individual pad assemblies; rather, pad assemblies are disposed between the topsheet and backsheet;
- (b) the references suggest that the folding over of backsheet 3' does not cover pad assemblies 4; and
- (c) the folded over section does not extend over elastics 61'.

The Examiner further argues that the missing elements were known in the art, as evident by *JP '693* and *JP '639* which teach elements (a) and (b), and *Tharpe* which teach element (c). The Examiner then concluded that the claimed invention would have been obvious over the art.

Applicants respectfully disagree with the Examiner's position. It should be noted that, in the Examiner's proposed combination of *JP '705/JP '706* with *JP '693/JP '639*, the only modification to be made to the process of *JP '705/JP '706* is that pad assemblies 4 would be placed on top of topsheet web 2' as taught by *JP '693/JP '639*, rather than being disposed between topsheet web 2' and backsheet web 3'. Therefore, elastics 51' and 61' of *JP '705/JP '706* must still be disposed between topsheet web 2' and backsheet web 3' as disclosed in FIG. 3 of *JP '705/JP '706*. See also attached *Exhibit A* which is an English translation of paragraphs 0015 and 0016 of *JP '705*. Thus, elastics 51' and 61' in the combined process of *JP '705/JP '706* and *JP '693/JP '639* would be

completely enclosed by topsheet 2' and backsheet 3', and the combined process of JP '705/Jp '706 and JP '693/Jp '639 need not be further modified with *Tharpe*, because the *Tharpe* disclosed benefit of having waist band elastics completely covered is already present in the combined process of JP '705/Jp '706 and JP '693/Jp '639. Thus, there is no adequate suggestion or motivation to further extend the folded over section of backsheet 3' to cover elastics 61' as proposed by the Examiner. The obviousness rejection of claim 1 is not well grounded and should be withdrawn or at least rephrased.

The 35 U.S.C. 102(b) rejection of claims 2-5 as being obvious over the above-mentioned references and further in view of *Glaug* (U.S. Patent No. 5,711,832) is also noted. Basically, the Examiner argues that the claimed intermittently applied (second) adhesive zones would have been obvious in view of the *Glaug* elements 156 and 162 in FIG. 4.

As to claims 2-4, Applicants respectfully disagree with the Examiner's rationale, because adhesive zones 156 and 162 of *Glaug* are used to bond waist elastics to a base sheet or web, rather than to bond the folded portion of the second web to the first web as recited in claims 2-3. See FIG. 4 of *Glaug* where adhesive 156/162 is disclosed to bond elastic 140 to base sheet 142. Thus, a person of ordinary skill in the art would have been motivated, if at all, to use the *Glaug* adhesive patterns to bond the waist elastics 51'/61' of JP '705/Jp '706 to one of the webs 2', 3' (see, e.g., step O of JP '705), rather than to bond the folded portion of web 3' to web 2' (see, e.g., step S or P of JP '705) as presently claimed. There is no adequate suggestion or motivation to use the elastic/web bonding adhesive pattern of *Glaug* in the web/web bonding disclosed in steps S, P of JP '705/Jp '706. The obviousness rejection of claims 2-4 is not well grounded and should be withdrawn or at least rephrased.

As to claim 5, the rejection of claim 5 is traversed for at least the same reasons advanced with respect to claim 1 from which claim 5 depends.

New claims 6-10 depend from claim 1, and are considered patentable at least for the reasons advanced with respect to claim 1. The dependent claims are also patentable on their own merits since these claims recite other features of the invention neither disclosed, taught nor suggested by the applied art.

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As to claims 6-9, the applied references do not appear to fairly teach or suggest that "the folded zones of said second web are not directly bonded by any of said first and second adhesive zones to the first web in any regions that correspond to the adhesive-free zones and overlie the elastic members." See claims 6-7. This feature finds support in FIGs. 2, 7, and 10 as well as the specification as filed, at page 11, lines 13-20. An advantage of the claimed feature is discussed at page 29, lines 12-21 of the specification. The JP references fail to teach or suggest this feature. *Glaug* is not combinable with the JP references for the reason advanced with respect to claims 2-4.

As to claim 10, the applied references do not appear to fairly teach or suggest that "both said first and second webs are made from liquid-impervious or hydrophobic materials." This feature finds support in the specification as filed, at page 27, lines 9-19. In JP '705/JP '706, topsheet 2' must be hydrophilic and/or liquid-pervious, and therefore cannot be readable on the claimed first web which is made from liquid-impervious or hydrophobic materials.

New independent claim 11 is directed to a process of manufacturing disposable diapers, comprising, among other things, "bonding the folded lateral zones of said second web to at least one of (i) the outer surface of said first web and (ii) the end zones of said panels, except in regions where said folded lateral zones both overlie the elastic members and extend along the adjacent end zones of said panels." The JP references fail to teach or suggest this feature. *Glaug* is not combinable with the JP references for the reason advanced with respect to claims 2-4. Therefore, Applicants respectfully submit that new independent claim 11 is patentable over the art.

Claims 12-16 depend from claim 11, and are considered patentable at least for the reason advanced with respect to claim 11. The dependent claims are also patentable on their own merits since these claims recite other features of the invention neither disclosed, taught nor suggested by the applied art, as discussed above with respect to claims 6-9 and 10.

Each of the Examiner's rejections has been traversed. Accordingly, Applicants respectfully submit that all claims are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

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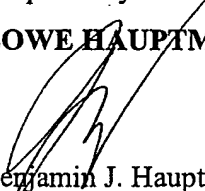
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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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Cited Reference JP' 705

Translation

Paragraph 0015

A disposable diaper of the embodiment of the present invention may be preferably produced as follows:

The diaper may be produced by carrying out

a member arranging step O for disposing a continuation 51' of waist opening elastic members 61, a continuation 61' of waist region elastic members and absorbent cores 4 between a continuation 2' of topsheet and a continuation 3' of backsheet so that waist opening elastic member 51, waist region elastic members 61, leg-opening elastic members 71 and absorbent cores 4 are sandwiched between a topsheet 2 and a backsheet 3;

An opening forming step P for forming leg-opening portions;

a bonding zone defining step Q for defining a plurality of bonding zones by heat-sealing predetermined zones with a predetermined pattern placed one on another and with the continuations of topsheet and backsheet folded in two; and

a cutting step R for cutting said continuations into individual diapers along the bonding zones.

Paragraph 0016

The embodiment of the present invention may include, between the member arranging step O and the opening forming step P, a folding back step S for **folding back left and right side edge portions 3a' of the continuation 2' of backsheet to overlap them on the continuation 2' of topsheet.**

EXHIBIT A